IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3367 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SAROJBEN W/O BHARATKUMAR KOTHARY - Petitioner(s)
Versus
UNION OF INDIA & 3 - Respondent(s)

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Appearance :
MR SV PARMAR for Petitioner(s) : 1, 1.2.1, 1.2.2, 1.2.3, 1.2.4,1.2.5
MS ARCHANA U AMIN for Respondent(s) : 1,2 & 3
Mr. Kamal Trivedi, Advocate General with Ms. Sangeeta Vishen, AGP for Respondent(s) : 4,
RULE SERVED BY DS for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HONOURABLE MR.JUSTICE M.R. SHAH

Date : 18/08/2006
ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

Mr. Parmar, learned counsel for the petitioners. Mr. Trivedi, learned Advocate General appears for the State.

2. After arguing for some time and being confronted with the Judgments of the Supreme Court reported in AIR 1954 S.C. 153 and AIR 1953 S.C. 16, Shri Parmar submits that he be allowed to withdraw the petition with liberty to approach the Hon'ble Supreme Court under Article 32 for the reliefs as claimed in this Writ application. He also makes a submission that the petitioners have already approached the Civil Court seeking the relief of eviction of the Union of India and therefore he be allowed to proceed with the suit on the ground of non-applicability of the Act to the property in question and eviction on other grounds.

3. With the liberty aforesaid, the petition is allowed to be withdrawn. Rule is discharged. No costs.

[R.S. Garg, J.]

[M.R. Shah, J.]

rmr.